

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROBERT G. LINENWEBER, Individually§
and on behalf of all others similarly§
situated§

Plaintiff,§

v. §

SOUTHWEST AIRLINES CO., et al.,§
§

Defendants. §

Civil Action No. 3:20-CV-0408-K

ORDER

Before the Court is Canadian Elevator Industry Pension Trust Fund and the Elevator Constructors Union Local No. 1 Annuity & 401(k) Fund's (collectively, the "Elevator Pension Funds") motion for appointment as lead plaintiff and for approval of selection of lead counsel (the "Motion") (Doc. No. 5). The Elevator Pension fund motion concerns a proposed class action against Southwest Airlines for alleged omissions and misrepresentations related to their operations (the "Action"). A competing Motion for Appointment as Lead Plaintiff was filed by Plaintiff Yevgeniya DeBoni (Doc. No. 8) but was subsequently withdrawn (Doc. No. 13). The Court **GRANTS** the motion and orders:

1. The Elevator Pension Funds are appointed Lead Plaintiff pursuant to 15 U.S.C. §78u-4(a)(3)(B)(iii).
2. All securities class actions against any or all of the defendants subsequently filed in, or transferred to, this District shall be consolidated into this

action. This Order shall apply to every such action, absent an order of the Court. A party objecting to such consolidation, or to any other provisions of this Order, must file an application for relief from this Order within ten days after the action is consolidated into this action. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, with good cause shown.

3. The following counsel are appointed Lead Counsel for the Action:

Robbins Geller Rudman & Dowd LLP

DARREN J. ROBBINS

DANIELLE S. MYERS

MICHAEL ALBERT

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4. Lead Counsel shall be charged with the sole responsibility for the day-to-day conduct of the Action and for carrying out the orders of the Court concerning the conduct of the Action and will have sole authority to speak for Lead Plaintiff; however, pursuant to Local Rule 83.10 and the specific requirements of this Court, Local Counsel must still be authorized to present and argue Lead Plaintiff's position at any hearing and must sign all documents filed in this case. Therefore, Joe Kendall and Balon

B. Bradley are Appointed as Local Counsel. Specifically, Lead Counsel shall be charged with the following duties in the Action:

- a. to promote the orderly and efficient prosecution of the Action, and to make all work assignments in such a matter as to avoid unnecessary duplication and unproductive efforts;
- b. to work with opposing counsel in developing and implementing a litigation plan;
- c. to conduct all pre-trial proceedings, trial, settlement negotiations, and post-trial proceedings on behalf of Lead Plaintiff and any plaintiff(s) in any subsequently filed, related action(s) consolidated with this Action;
- d. to sign all pleadings, motions, briefs, discovery requests or objections, subpoenas, or notices, and to enter into stipulations with opposing counsel as necessary for the conduct of the litigation;
- e. to determine and present to the Court, in motions, briefs, oral argument, or such other fashion as may be appropriate, all matters arising during pre-trial proceedings, trial, settlement negotiations, and post-trial proceedings;
- f. to act as spokesperson for Lead Plaintiff—and plaintiff(s) in any subsequently filed, related action(s) consolidated with this Action—at pre-trial proceedings, trial, settlement negotiations, and post-trial proceedings by

formulating and presenting Lead Plaintiff's position on substantive and procedural issues;

g. to conduct and coordinate discovery on behalf of Lead Plaintiff—and plaintiff(s) in any subsequently filed, related action(s) consolidated with this Action—consistent with the requirements of the Federal Rules of Civil Procedure, including the preparation of interrogatories, requests for production of documents, requests for admissions, and the examination of deponents, as well as any motion practice related thereto;

h. to implement procedures to ensure that schedules are met and unnecessary expenditures of time and funds are avoided;

i. to maintain time and expense reports covering services as Lead Counsel in the Action, including paralegals and any other staff members whose time is expected to be included in any fee petition;

j. to employ and consult with experts, if and when necessary;

k. to ensure that Lead Plaintiff—and plaintiff(s) in any subsequently filed, related action(s) consolidated with the Action and their counsel—are kept informed of the progress of this Action as necessary;

l. to perform such other duties as may be incidental to proper coordination of litigation activities or authorized by further order of the Court; and

m. to otherwise advance the claims in this Action.

5. No motion, request for discovery, or other pre-trial or trial proceedings shall be initiated or filed by any plaintiff in the Action except through Lead Counsel or Local Counsel.

6. Defendants' counsel may rely upon all agreements made with Lead Counsel, and such agreements shall be binding on Lead Plaintiff and all plaintiff(s) in any subsequently filed, related action(s) consolidated with the Action.

7. This Order shall apply to each case arising out of the same, or substantially the same, transactions or events as the Action, which is subsequently filed in, remanded to, or transferred to this Court.

8. Defendants need not answer or respond to the complaints currently on file in the Related Actions. Within 45 days of the entry of this Order, the Lead Plaintiff shall either file a consolidated amended complaint or designate one of the complaints in the Related Actions as the operative complaint for the Action.

Within 30 days of the date Lead Plaintiff either files a consolidated amended complaint or designates one of the complaints in the Related Actions as the operative complaint, the Parties shall file a joint status report proposing the contents for the Court's scheduling order.

SO ORDERED.

Signed May 18th, 2020.



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UNITED STATES DISTRICT JUDGE